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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/826,461

**Applicant(s)**

RICHARDS ET AL.

**Examiner**

SRINIVASA R. REDDIVALAM

**Art Unit**

2419

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19, 21-25, 27-30, 33-36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-25, 27-30, 33-36 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on 06/08/2009 has been entered. Claims 1, 3-10, 19, 35 and 38 are amended and claim 37 is cancelled. Claims 1-19, 21-25, 27-30, 33-36 and 38 are still pending in the application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 2, 18, 23 and 38 are rejected under 35 U.S.C. 102(a) as being anticipated by Telefonaktiebolaget LM Ericsson (Pub. No: WO-2004/016012 A1).

**Regarding claim 1**, Telefonaktiebolaget LM Ericsson teaches a method for determining whether to initiate a multicast service from a first base station of a first cell (see Abstract and para [0049]), the method comprising: receiving a user message transmitted by user equipment positioned in a second cell, wherein the first cell is a neighbour of the second cell, and wherein the user message includes a list of at least one neighbouring cell (see Fig.1 and page 18, para [0051] wherein a mobile station 70 in second cell reporting its active set i.e. the set of RBSs from which it receives signals above a given signal strength, to the network is mentioned); and in response to the message, initiating the multicast service in the first cell, wherein the first cell is listed in the list of the at least one neighboring cell and the selection of the

first cell to initiate the multicast service is not by the user equipment (see page 19, paragraphs [0053] & [0054] wherein, in response to receiving the message from the mobile station 70 of second cell, the network activating the broadcast/multicast service in the cells identified in the requesting mobile station's reported active set that includes the first cell, is mentioned).

**Regarding claim 2**, Telefonaktiebolaget LM Ericsson further teaches the method further comprising: transmitting, in the second cell from a second base station, a network message to request the user equipment positioned in the second cell to provide neighbouring cell information; wherein the user message is in response to the network message (see para [0051] wherein the network providing threshold information to the mobile station 70 for use in determining its active set & reporting it to the network is mentioned).

**Regarding claim 18**, Telefonaktiebolaget LM Ericsson further teaches the method further comprising allowing the user equipment to join the multicast service (page 19, [0054] wherein turning on multicast service for the mobile station's reported active set of cells in response to request from the mobile station is mentioned).

**Regarding claim 23**, Telefonaktiebolaget LM Ericsson teach a method to assist determining whether to initiate a new multicast service within a mobile radio network, wherein user equipment is positioned in a first cell of a first base station having a group of neighbouring cells (see Abstract, Fig.1 and page 18, para [0049]), the method comprising:

determining, for each neighbouring cell in the group of neighbouring cells, whether the user equipment can detect the neighbouring cell (see page 18, para [0051] wherein a mobile station determining & reporting its active set i.e. the set of RBSs from which it receives signals above a given signal strength, to the network is mentioned);

generating a user message indicating which of the neighbouring cells the user equipment can detect; transmitting the user message (see paragraphs [0051] & [0052] wherein the mobile station reporting/transmitting active set/neighbor list information to the network is mentioned);

and receiving a network message generated responsive to the user message, wherein the network message indicates a new transmission of the multicast service by a second base station in a second cell; wherein the second cell is indicated in the user message (see page 19, paragraphs [0053] & [0054] wherein, in response to receiving the message from the mobile station 70, the network activating the broadcast/multicast service in the cells identified in the requesting mobile station's reported active set that includes second base station in a second cell, is mentioned).

**Regarding claim 38**, Telefonaktiebolaget LM teaches a method to initiate multicast service in group of cells, the method (see Abstract) comprising:

transmitting a network message to initiate a response from a user equipment in the first cell (see para [0034] wherein a network sending a message with registration request flag to mobile station is mentioned); receiving a user message transmitted by the user equipment positioned in the first cell (see paragraphs [0052-53] wherein mobile station sending message back with registration request is mentioned) and in response to the

user message, initiating the multicast service in *only* the group of cells neighbouring the first cell (see para [0054] wherein *network initiating the multicast service in default service zone 14 controlled by that service area 10* is mentioned and see Fig.1 and para [0052] wherein the neighbour list used in the context of the invention comprising *the list of neighbouring service areas corresponding to a default zone* for that service area is mentioned and *this is clearly equivalent to initiating the multicast service in only the group of cells neighbouring the first cell*).

#### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Telefonaktiebolaget LM Ericsson (Pub. No: WO-2004/016012 A1) in view of Cooper (US Pub. No: 2006/0194582 A1).

**Regarding claim 14**, Telefonaktiebolaget LM Ericsson does not teach specifically that the method further comprising: transmitting from a 2<sup>nd</sup> base station in the 2<sup>nd</sup> cell, an initial message to indicate to the user equipment a list of cells that are neighbours to the 2<sup>nd</sup> cell.

However, Cooper teaches (see para 0046, lines 10-13) that the active network (i.e. UMTS) signals neighbouring cell information to the user equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson to include transmitting network message to indicate to UE the list of neighbouring cell information disclosed by Cooper in order to guarantee providing the multicast service in 1<sup>st</sup> cell thereby improving the performance of the network.

7. Claims 3-6, 8-13, 15-17, 24-25, 27-30 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Telefonaktiebolaget LM Ericsson (Pub. No: WO-2004/016012 A1) in view of 3GPP TS 25.346 V6.0.0 (2004-03) ("3GPP").

**Regarding claims 3-6 and 8**, Telefonaktiebolaget LM Ericsson teaches the method of claim 1 above.

Telefonaktiebolaget LM Ericsson does not teach specifically the method, wherein the list of the at least one neighbouring cell that indicate base stations having transmissions that UE can detect or de-modulate is a list of neighbouring cells the UE could use for combining if the multicast service is initiated in the listed neighbouring cell or transmitted by the indicated base station.

However, "3GPP" teaches the method, wherein the list of the at least one neighbouring cell (or base stations) is a list of neighbouring cells (or base stations having transmissions that UE can detect or demodulate) the user equipment could use for combining if the multicast service is initiated in the listed neighbouring cell or transmitted by the indicated base station (see page 21, section 7.1 and also see pages 23-24, sections 7.3.1 – 7.3.5 of "3GPP" teach that user equipment performs selective combining if UE has valid MBMS neighbouring cell information of that cell for MBMS reception).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson to include that UE could use list of neighbouring cells that indicate base stations having transmissions that UE can detect or de-modulate, for combining if the multicast service is initiated in the listed neighbouring cell as disclosed in "3GPP" in order to have better



reception of multicast service.

**Regarding claims 9-13**, Telefonaktiebolaget LM Ericsson teaches the method of claim 1 above.

Telefonaktiebolaget LM Ericsson does not teach specifically for the method, wherein the user message further includes a signal measurement which is indicative of one or more signal quality, an error rate, a received signal power, a beacon signal power, a pilot signal power, signal power of existing multicast transmission or signal to noise ratio, for each cell in the list of the at least one neighbouring cell.

However "3GPP" teaches for the method of claim 1, wherein the user message further includes a signal measurement for each cell (Page 21, section 7.1, 7<sup>th</sup> para. i.e. based on threshold e.g. measured CPICH EC/N0 from neighbouring cell) in the list of at least one neighbouring cell and the signal measurement (i.e. the threshold) can be an error rate (i.e. block error rate, CRC), a received signal power, a beacon signal power, a pilot signal power or EC/No that UE could use in selective combining.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson to have the user message further includes a signal measurement that is indicative of one or more of a signal quality for each cell in the list of neighbouring cells disclosed by "3GPP" in order to facilitate UE to determine neighbouring cell suitable for selective

combining.

**Regarding claims 15 & 16**, Telefonaktiebolaget LM Ericsson teaches the method of claim 1 above.

Telefonaktiebolaget LM Ericsson does not teach specifically that the method, further comprising transmitting from a 2<sup>nd</sup> base station in the 2<sup>nd</sup> cell, an initial message to wake the UE in 2<sup>nd</sup> cell from an idle mode wherein the initial message is a page notification message including a set of indicators corresponding to a respective set of multicast services and wherein each of the indicators indicates whether the second base station is transmitting an updated multicast control channel message.

However, "3GPP" teaches that the method comprising the act of transmitting from a second base station in the second cell, an initial message to wake the user equipment positioned in the second cell from an idle mode (Page 26, Section 8.1.1, 1<sup>st</sup> para, lines 2-3 i.e. UTRAN may first apply conventional paging to move UEs in URA\_PCH to Cell\_PCH state) and wherein the initial message is a page notification message including a set of indicators corresponding to a respective set of multicast services (Page 13, Section 5.2.4, 3<sup>rd</sup> para), and wherein each of the indicators indicates whether the second base station is transmitting an updated multicast control channel message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify the method of Telefonaktiebolaget LM Ericsson to include transmitting an initial message, which is a page notification message including a set of indicators corresponding to a respective set of multicast services, from a 2<sup>nd</sup> base station in a 2<sup>nd</sup> cell to wake the user equipment positioned in the second cell from an idle mode disclosed by "3GPP" to apply counting to determine the most optimal mode for multicast service.

**Regarding claim 17**, Telefonaktiebolaget LM Ericsson does not teach the method wherein, the network message includes a cause value that indicates an enhanced counting procedure is invoked for the multicast service.

However, "3GPP" teaches that the method, wherein the network message includes a cause value (Page 14, Section 5.2.5, 1<sup>st</sup> para) that indicates an enhanced counting procedure is invoked for the multicast service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson to include the cause value in the network message disclosed by "3GPP" to indicate an enhanced counting procedure is invoked for the multicast service.

**Regarding claims 24-25, and 27-30**, Telefonaktiebolaget LM Ericsson teaches the method of claim 23 above.

Telefonaktiebolaget LM Ericsson does not teach specifically the method further comprising: receiving 1<sup>st</sup> signal from 1<sup>st</sup> base station transmitting the multicast service & receiving 2<sup>nd</sup> signal from 2<sup>nd</sup> base station transmitting the multicast service and combining these two signals and also the base station transmission that UE can detect, is combined if multicast service is enabled in the base station and determining a signal measurement for each of the neighbouring cells and that are detected wherein user message further includes signal measurement i.e. indicative of received beacon signal or pilot signal power for each of the neighbouring cells and that are detected.

However, "3GPP" teaches for the method, wherein the user message further includes a signal measurement for each cell (Page21, section 7.1, 7<sup>th</sup> para. i.e. based on threshold e.g. measured CPICH EC/N0 from neighbouring cell, UE determines neighbouring cell suitable for selective combining) in the list of one or more neighbouring cells and the signal measurement (i.e. the threshold) can be a received, signal power, a beacon signal power, and a pilot signal power UE could use in selective combining of two signals that are transmitted from 2 base stations that UE can detect having the multicast transmissions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson to include that UE could use two signals from two base stations having multicast transmissions that UE can detect, for combining and wherein the user message further includes a signal measurement that is indicative of received beacon signal power or

pilot signal power for each cell in the list of neighbouring cells disclosed by "3GPP" in order to facilitate UE to determine neighbouring cell suitable for selective combining.

**Regarding claim 35**, Telefonaktiebolaget LM Ericsson teaches a method of requesting a multicast service by user equipment in a first cell (see Abstract and paragraphs [0049] and [0054] wherein user equipment requesting a multicast service to the network is mentioned), wherein the first cell created by a first base station (see Fig.2), and wherein the first base station has a group of neighbouring cells created by a respective group of neighbouring base stations (see Figs. 1 and 2), the method comprising:

determining, for at least one of the neighbouring cells, whether a signal from the respective neighbouring base station is receivable by the user equipment (see para [0051]); creating a first list from the receivable neighbouring cells (see para [0051]);

generating a user request message, wherein the user request message includes a request for a multicast service and the first list of receivable neighbouring cells (see paragraphs [0052] & [0053]); and

transmitting the user request message from the user equipment to the first base station (see paragraphs [0052] & [0054]).

Telefonaktiebolaget LM Ericsson does not teach specifically the method comprising determining a signal measurement for each receivable neighbouring cell and including

the signal measurement for each cell in the list of receivable neighbouring cells in the user request message.

However, 3GPP teaches a method comprising determining a signal measurement for each receivable neighbouring cell and including the signal measurement for each cell in the list of receivable neighbouring cells in the user request message (see Page21, section 7.1, 7<sup>th</sup> para. i.e. based on threshold e.g. measured CPICH EC/N0 from neighbouring cell, UE determining neighbouring cell suitable for selective combining is mentioned and also see section 7.3.2 wherein UE reporting this information to the network via cell update procedure is mentioned).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method Telefonaktiebolaget LM Ericsson to include that UE determining a signal measurement for each receivable neighbouring cell and including the signal measurement for each cell in the list of receivable neighbouring cells in the user request message, disclosed by "3GPP" in order to facilitate UE to determine neighbouring cell suitable for selective combining.

**Regarding claim 36,** Telefonaktiebolaget LM further teaches the method wherein creating a list from the receivable neighbouring cells includes: determining whether the receivable signal is combinable by the user equipment and including in the first list an indication of cells determined to be combinable (see para [0050] wherein mobile station

using soft combining of receivable signal from other cells is mentioned).

8. Claims 19, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Telefonaktiebolaget LM Ericsson (Pub. No: WO-2004/016012 A1) in view of Jung et al, (Pub. No: 2005/0213541).

**Regarding claim 19**, Telefonaktiebolaget LM Ericsson teaches a method for determining whether to initiate a multicast service in a group of cells in a network (see Abstract and para [0049]), the method comprising:

receiving at least one user message transmitted by a respective at least one user equipment positioned in the group of cells in the network, wherein the at least one user message includes a list of at least one neighbouring cell and a request for multicast service (see Fig.1 and page 18, para [0051] wherein a mobile station 70 positioned in the group of cells in the network, reporting its active set i.e. the set of RBSs from which it receives signals above a given signal strength, to the network is mentioned and also see para [0053] wherein the mobile station sending the request for multicast service is mentioned);

Telefonaktiebolaget LM Ericsson does not teach specifically the method comprising for each cell of the group of cells, accumulating a first count of the user messages having the cell included in the list of the at least one neighbouring cell; for each cell of the group of cells, initiating the multicast service in the cell if the first

count for the cell is not zero; for each cell of the group of cells, accumulating a second count of the user messages received from user equipment in the cell and initiating the multicast service in a cell if the second count for the cell is not zero.

However, Jung et al. teach a method wherein for each cell of the group of cells, accumulating a **first count** (page 2, [0026], lines 8-11) of the user messages having the cell included in the list of one or more neighbouring cells and accumulating a **second count** of the user messages received from user equipment (see Fig.3 and page 2, para [0024] wherein any user/terminal sending message to network to receive multicast service is mentioned and this user need not be in the list of neighboring cells and also see para [0026], lines 8-11 wherein counting function is mentioned to accumulate the second count of the these user messages); and for each cell of the group of cells, initiating the multicast service in the cell if the first count /second count for the cell is not zero (page 2, [0029], lines 8-12 and Jung et al. teach that network (i.e. RNC) performs a counting function of recognizing the number of UE terminals in a particular cell and according to the result of counting process, network (i.e. RNC) does transmit the multicast service if the count is not zero).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson to include for each cell of the group of cells, accumulating a first count of the user messages having the cell



included in the list of the at least one neighbouring cell, for each cell of the group of cells, initiating the multicast service in the cell if the first count for the cell is not zero and for each cell of the group of cells, accumulating a second count of the user messages received from user equipment in the cell and initiating the multicast service in a cell if the second count for the cell is not zero, disclosed by Jung et al. to provide effective transmission of multicast service in a cell of group of cells in the wireless networking system and also improve the performance of the system by efficiently using network resources for multicast service transmission in the system.

**Regarding claims 21 and 22**, Jung et al. further teach for the method, wherein initiating the multicast service in a cell if the second count or first count for the cell is not zero includes:

initiating a point-to-point multicast service in the cell if the first count +second count or first count is less than a threshold number; and initiating a point-to-multipoint multicast service in the cell if first count +second count or the first count is greater than the threshold number (page 2, [0028], lines 3-7).

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Telefonaktiebolaget LM Ericsson (Pub. No: WO-2004/016012 A1) in view of Jung et al. (Pub. No: 2005/0213541) and further in view of 3GPP TS 25.346 V6.0.0 (2004-03) ("3GPP").

**Regarding claim 7**, Telefonaktiebolaget LM Ericsson and Jung et al. do not teach

specifically the method wherein the list of the at least one neighbouring cell indicates base stations having transmissions that user equipment is able to demodulate.

However, "3GPP" teaches the method wherein the list of the at least one neighbouring cell indicates base stations having transmissions that user equipment is able to demodulate (see page 21, section 7.1 and also see pages 23-24, sections 7.3.1 – 7.3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson and Jung et al. to include the list of the at least one neighbouring cell that indicates base stations having transmissions that user equipment is able to demodulate, disclosed by 3GPP in order to have better reception of multicast service.

10. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranta-Aho et al. (US Pub. No: 2004/0081125 A1) in view of Telefonaktiebolaget LM Ericsson (Pub. No: WO-2004/016012 A1).

**Regarding claim 33**, Ranta-Aho et al. teach a method of signaling between user equipment and a network across an air interface, wherein the user equipment is positioned in a first cell created by a first base station, wherein a set of neighbouring base stations create a respective set of neighbouring cells, and wherein the first base station transmits on a downlink and the user equipment transmits on an uplink (see Abstract and Figures 1 & 2 and para [0022]), the method comprising:

signalling, on the downlink, a first list of all neighbours of the first base station (see page

3, paragraphs [0048] & [0052] wherein SIBs and notifications that include information of neighbouring cells transmitted on the broadcast/downlink channel from a cell is mentioned);

signalling, on the downlink, an initiation of a counting procedure for a multicast service (see page 3, para [0053] wherein comparing pilot signals received from different cells to detect a better channel for multicast service is mentioned);

Ranta-Aho et al. do not teach specifically the method comprising signalling, on the uplink, a second list including an indication of acceptable cells from the first list.

However, Telefonaktiebolaget LM Ericsson teaches a method comprising signalling, on the uplink, a second list including an indication of acceptable cells from the first list (see para [0051] wherein the mobile station reporting its active set i.e. the set of RBSs/ acceptable cells from which it receives signals above a given signal strength, to the network is mentioned).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, to modify the method of Ranta-Aho et al. to include signalling, on the uplink, a second list including an indication of acceptable cells from the first list, disclosed by Telefonaktiebolaget LM Ericsson for providing optimum multicast service to required cells in the network.

**Regarding claim 34**, Telefonaktiebolaget LM Ericsson further teaches the method comprising signaling on the uplink, a third list including a signal measurement for each of the acceptable cells from the second list (see paragraphs [0051] and [0052] wherein the mobile station transmitting neighbor list/ third list that identifies a list of neighbouring sector pilot signals, to the network is mentioned).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-19, 21-25, 27-30, 33-36 have been considered but are moot in view of the new ground(s) of rejection.

12. In page 10 of Applicant's Remarks, regarding claim 38, Applicant mentions that Telefonaktiebolaget does not disclose "receiving a user message ... in the first cell" and "initiating the multicast service in *only* the group of cells neighboring the first cell," as recited by claim 38. **However, the Examiner respectfully disagrees to this statement from the Applicant as Telefonaktiebolaget LM Ericsson teaches "receiving a user message ... in the first cell" and "initiating the multicast service in *only* the group of cells neighboring the first cell," as recited by claim 38** (see page 19, para [0054] wherein, in response to receiving the registration request, *network initiating the multicast service in default service zone 14 controlled by that service area 10* is mentioned and see Fig.1 and para [0052] wherein the neighbour list used in the context of the invention comprising *the list of neighbouring service areas corresponding to a default zone* for that service area is mentioned and **this is clearly equivalent to**

*initiating the multicast service in only the group of cells neighbouring the first cell).*

### ***Conclusion***

13. **Examiner's Note:** Examiner has cited particular paragraphs or columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

14. Any response to this office action should be faxed to (571) 273-8300 or mailed

To:

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P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses should be brought to**

Customer Service Window  
Randolph Building  
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Alexandria, VA 22314.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRINIVASA R. REDDIVALAM whose telephone number is (571)270-3524. The examiner can normally be reached on Mon-Fri 9:30 AM - 7 PM (1st Friday OFF).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag Shah can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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